

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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|------------------------------|---|---------------------------|
| ERIKA SAINES,                | ) |                           |
|                              | ) |                           |
| Plaintiff,                   | ) |                           |
|                              | ) |                           |
| v.                           | ) | No. 2:24-cv-02248-SHL-cgc |
|                              | ) |                           |
| THE AGING COMMISSION OF THE  | ) |                           |
| MID-SOUTH and KAREN BLANTON, | ) |                           |
|                              | ) |                           |
| Defendants.                  | ) |                           |

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING COMPLAINT WITH PREJUDICE**

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Before the Court is Magistrate Judge Charmiane G. Claxton’s Report and Recommendation (“R&R”), filed December 20, 2024. (ECF No. 9.) In the R&R, Judge Claxton recommends that the Court dismiss pro se Plaintiff Erika Saines’s complaint with prejudice for failure to state a claim for which relief can be granted.

The R&R asserts that, to the extent Saines alleges a violation of 42 U.S.C. § 1983, her complaint fails to state what actions defendants took to deprive her of rights secured by the Constitution and laws of the United States, warranting dismissal of the action. To the extent that Saines’s complaint is construed as one for wrongful termination, Judge Claxton recommends that the complaint also be dismissed with prejudice, as “Plaintiff does not state what theory any allegation of wrongful termination would be grounded in.” (Id. at PageID 64.) The R&R concludes that Saines “does not allege that her termination was a result of discrimination on the part of the Commission,” and even if she did allege discrimination, “she does not allege that she has satisfied the requirement that she file a charge with the EEOC within 300 days of the alleged discriminatory action.” (Id. at PageID 65.) Nor does Saines “offer any other basis for a

determination of wrongful termination such as retaliation, termination in breach of an employment contract or termination for exercising workers compensation rights, rights under the Americans with Disabilities Act or the Family Medical Leave Act.” (Id.)

Finally, Judge Claxton recommends that, for the same reasons that R&R recommends dismissal of this case for failure to state a claim, any appeal in this matter by Saines would not be taken in good faith, therefore, she should not be allowed to proceed on appeal in forma pauperis. (Id. at PageID 66.)

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Saines’s deadline to object to the R&R was January 3, 2025, and no objections were filed. The Court has therefore reviewed the R&R in its entirety for clear error and finds none. The R&R properly describes Saines’s failure to sufficiently allege a § 1983 claim or a claim for wrongful termination, and the Court agrees that the case should be dismissed with prejudice. Therefore, the Court **ADOPTS** the R&R, **DISMISSES** the complaint **WITH PREJUDICE**, and

finds that an appeal would not be taken in good faith.

**IT IS SO ORDERED**, this 17th day of January, 2025.

s/ Sheryl H. Lipman  
SHERYL H. LIPMAN  
CHIEF UNITED STATES DISTRICT JUDGE